

**REMARKS**

In response to the Office Action dated June 1, 2004, Applicant respectfully requests reconsideration and withdrawal of the rejections of the claims. The indication that claims 9, 10 and 12-15 contain allowable subject matter is noted with appreciation. In response thereto, the subject matter of claim 10 has been incorporated into claim 8, to thereby place claims 8, 9 and 11-15 in condition for allowance.

Claims 1, 2 and 5-7 were rejected under 35 U.S.C. § 103, as being unpatentable over the Takagi patent in view of the Yahav patent. In responding to Applicant's previous arguments traversing this ground of rejection, the most recent Office Action states that the light measuring elements 18a-18e of the Takagi patent receive light reflected from the image sensing surface FI at different angles. Unlike the claimed invention, however, these light measuring elements are associated with different areas of the film surface. In Figure 11A, for instance, it can be seen that the photometric elements 18b, 18c and 18d receive light that is reflected from different respective portions of the film surface.

In contrast, claim 1 recites that the plurality of light measuring elements at different positions detect the brightness of a common area on the image sensing surface. As shown in Figure 2 of the present application, each of the light measuring elements 11-14 is at a different position, but they receive light reflected from a common area of the surface 30a of the image sensor 30. As a result, inaccurate control that is due to regular reflection from that surface is eliminated (pages 7-8 of the specification).

It is respectfully submitted that the Takagi patent does not disclose, nor otherwise suggest, this claimed feature. Accordingly, claim 1 and its dependent claims are submitted to be allowable over the cited references.

Claim 3 was rejected under 35 U.S.C. §103, as being unpatentable over the Takagi patent in view of the Yahav and Ogawa patents. The Office Action acknowledges that the combined teachings of the Takagi and Yahav patents do not suggest a controller that determines an average value for light measuring elements to set a standard value, and selects the light measuring elements whose output values are less than the standard value. To this end, therefore, the Office Action relies upon the Ogawa patent, with specific reference to its disclosure of a standard value determining section 44. As stated at column 3, lines 61-64, this determining section calculates a reference photometric value by performing a predetermined, specified weighted addition of each photometric value from partitioned photometric areas in a photographic field. The weighting emphasizes the photometric value in the center of the photographic field (column 4, lines 54-57). At column 5, lines 28-37, the patent discloses that, as an alternative to a center-emphasized photometric value, an average of all of the photometric values in the field can be used as the reference photometric value.

Unlike the subject matter of claim 3, however, the Ogawa patent does not disclose that the weighted addition, or the average value, is used for the purpose of *selecting* light measuring elements whose outputs are to be used to control a light emission system. Rather, the patent discloses the use of the output values from *all* of the photometric elements, for the purpose of displaying exposure deviation under different exposure modes.

In essence, claim 3 recites that the controller performs a three-step operation, namely (1) determine an average value for all of the light measuring elements, (2) select those light measuring elements having an output value less than a standard value derived from the average, and (3) control the operation of the light emission system in accordance with the selected light measuring elements. In other words, the *selection* process is based upon the results of the determined average. The Ogawa patent does not disclose the concept of

determining an average for the purpose of selecting those light emitting elements whose output values are to be subsequently employed in a further process. Rather, it only discloses that the outputs of *all* of the light measuring elements are employed, for example by taking their weighted addition or their average.

Accordingly, it is respectfully submitted that, even if the teachings of the Ogawa patent are applied to the camera of the Takagi patent, as modified in view of the Yahav patent, the result would not be the same as the subject matter of claim 3. None of these patents, whether considered individually or in combination, suggest that an average of the output values of all of the light measuring elements is used as the basis for selecting one or more of those elements to be employed for subsequent control purposes.

In view of the foregoing, it is respectfully submitted that all pending claims are patentably distinct from the cited references. Reconsideration and withdrawal of the rejections are therefore respectfully requested.

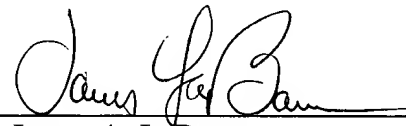
Entry of the Amendment, and allowance of all pending claims are respectfully solicited.

Respectfully submitted,

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